



**U.S. Department of Justice**

***Michael J. Sullivan***  
*United States Attorney*  
*District of Massachusetts*

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Main Reception: (617) 748-3100

*John Joseph Moakley United States Courthouse*  
*1 Courthouse Way*  
*Suite 9200*  
*Boston, Massachusetts 02210*

July 16, 2004

**BY FAX AND REGULAR MAIL**

Paul V. Kelly, Esq.  
Kelly, Libby & Hoopes  
175 Federal Street  
Boston, MA 02110

Re: U.S. v. Joseph DiFlumera, Crim No. 04-40002 (NMG)

Dear Mr. Kelly:

Paragraph 3(e) of the plea agreement requires that if the defendant intends to file a downward departure motion, he notify the Court and government of the grounds for departure and provide to the government all documents upon which he will rely in support of such departure no less than thirty (30) days prior to the date set by the court for the sentencing hearing. As you know, the Court set a date for the change of plea and sentencing hearing back in January 2004. To date, we have received only a letter from a physician relating to the defendant's alleged medical condition and report of an expert with respect to the defendant's alleged gambling addiction. We have not received any other documents including, most importantly, a motion for downward departure. Accordingly, we assume the defendant does not intend to file any such motions and certainly will oppose the

January 5, 2004

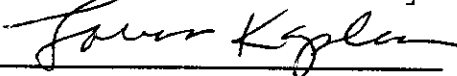
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filing of any such motions at this late date.

Very truly yours,

MICHAEL J. SULLIVAN  
United States Attorney

By:

  
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Laura J. Kaplan  
Assistant U.S. Attorney

cc: The Honorable Nathaniel M. Gorton